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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 296/2017**
MRS. RAMEENA BIR

..... Plaintiff

Through: Mr.Mohit Chaudhary and Mr.Aaryav
Mehra, Advs.

versus

MRS. MONICA PAL & ANR

..... Defendant

Through: Ms.Prerana, Adv.

CORAM:
SH. DEVENDER KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)

% **ORDER**
21.05.2019

Proceedings: 11:55 pm to 01:20 pm
Evidence recorded: 12:10 pm to 01:19 pm
Pages: 3

PW-1 Mrs. Ramina Bir has tendered her affidavit in examination-in-chief, but during tendering of affidavit, learned counsel for defendant has submitted that exhibits were not put on admitted documents of the parties as per their affidavits of admission/denial of documents. It is further submitted that even she raised this objection before the Hon'ble Court at the time of framing of issues, but still it was not recorded by the Court and issues were framed. It is further submitted that this defect may be rectified right now and plaintiff should be directed to put exhibits on the documents. Submissions opposed by learned counsel for plaintiff.

Since issues have already been framed and case is at the stage of PE, accordingly no fresh admission/denial of documents can be conducted now thereby putting exhibits on the documents in terms of affidavits of parties for admission/denial of documents.

Learned counsel has further submitted that her objection with regard to tendering of documents may be recorded thereby putting on the exhibits that documents are forged and fabricated. However, the objections with regard to exhibition of documents is to be recorded at the time of tendering of document and no such endorsement can be made on the document that it is forged and fabricated as it is defence of the defendant which is to be proved during trial only.

Learned counsel for defendant has further submitted that Will produced by witness is containing a photocopy of the last page of Will and the document may be directed to be kept on record. No opposed.

Will relied upon by the witness is retained on record in original and **Registry is directed to keep the Will in sealed cover.**

PW-1 tendered her affidavit and partly cross-examined. During cross-examination, this court observed that witness is not replying the questions in the similar manner as put to her. Court made the witness understand to reply the question straight forward and to make additional explanation/additions only after replying the questions, but learned counsel for defendant has objected to it that this court should not ask the witness to reply the questions straight forward and whatever reply is given by the witness to any question is to be recorded in verbatim, whether answer is relevant or not. The

submission of learned counsel cannot be accepted and witness is suppose to reply the question straight forward and in relevant manner and anything else is to be recorded as voluntarily, if it is found relevant to question or its answer. However, learned counsel for defendant has submitted that she will make an appropriate application before the Hon'ble Court to this effect and further cross-examination is sought to be deferred. Further examination is deferred.

Put up for cross-examination of PW-1 on 29.08.2019.

DEVENDER KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 21, 2019/tp